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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/536,967

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Jozef Pieter Van Gassel

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12/12/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SHIBRU, HELEN

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

12/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/536,967	Applicant(s) VAN GASSEL ET AL.	
	Examiner HELEN SHIBRU	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments filed on 09/25/2008 have been entered and made of record. Claims 1-9 are pending. In view of Applicant's amendment to the Specification and the drawing, the objection to the drawing and the specification is hereby withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honjo (US Pat. No. 6,006,007) in view of Chang (US PG PUB. 2002/0124259).

Regarding claim 1, Honjo discloses a method for storing a data stream comprising intra-coded pictures and intercoded pictures on a storage medium comprising at least one intra-coded allocation unit and at least one inter-coded allocation unit (see figures 1 and 2), the method comprising acts of: receiving the data stream (see col. 2 lines 1-5); storing multiple intra-coded pictures in the intra-coded allocation unit on the storage medium (see figure 2, col. 2 lines 11-16 and lines 22-27); storing multiple inter-coded pictures in the inter-coded allocation unit on the storage medium (see figure 2 and col. 2 lines 16-17).

Claim 1 differs from Honjo in that the claim further requires storing multiple intra-coded pictures together and separate from the inter-coded picture.

In the same field of endeavor Chang discloses storing an I-frame and P and B frames in one disk (referring to storing the intra coded picture and the inter coded picture together) (see paragraphs 0053 and 0071). Chang further discloses storing the I-frames in the I-file and storing the p and B frames in the PB-file (referring to storing the intra coded picture and the inter coded picture separately) (see abstract and paragraph 0072-0077). Therefore in light of the teaching in Chang it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Honjo by storing the I and P and B pictures together and separate in order to read selected frames with little effort.

Regarding claim 2, Honjo discloses the data stream comprises further data other than coded pictures, the method comprises an act of storing the further data in the intra-coded allocation unit (see col. 2 line 66-col. 3 line 10).

Regarding claim 3, Honjo/Chang disclose the inter-coded allocation unit is preceded by the intra-coded allocation unit and the separated inter-coded pictures stored in the intercoded allocation unit are associated with the separated intra-coded pictures stored in the preceding intra coded allocation unit (see figure 2 and col. 2 lines 10-15 in Honjo and paragraphs 0151 and 0190 in Chang).

Regarding claim 4, Honjo discloses the steps of: receiving a trick play request for the stored data (see col. 2 lines 49-58); and reading the data in the intra-coded allocation units to create the requested trick play stream of recorded data (see col. 2 lines 54-58 and claims 3 and 4).

Regarding claim 5, Honjo/Chang disclose data in the intra-coded allocation units are coded with a first coding algorithm and the data in the inter-coded allocation units are coded with a second coding algorithm that is different coding algorithm than the first coding algorithm (see claim 2, intra-coded picture and inter-coded picture are coded using two different coding method in Honjo and paragraphs 0066-0095 in Chang).

Apparatus claim 6 is rejected for the same reasons as discussed in method claim 1 above.

Regarding claim 7, Honjo discloses storage medium (see figures 1, 3, and 4) comprising a) at least one intra-coded allocation unit for storing multiple intra-coded pictures (see rejection of claim 1 above); and b) at least one inter-coded allocation unit for storing multiple inter-coded pictures (see rejection of claim 1 above). See also claim 1 above regarding the limitation ‘storing together and separate.’

Regarding claim 8, Chang discloses storing multiple intra-coded pictures in an intra-coded scheduler buffer, storing multiple inter-coded pictures in inter-coded scheduler buffer 9 (see abstract and paragraphs 0070-0077); determining if one of the scheduler buffers contains enough data to fill an entire allocation unit, and if so, writing the multiple intra-coded pictures in the intra-coded scheduler buffer to the intra-coded allocation unit on the storage medium and thereafter, writing the multiple inter-coded pictures in the inter-coded scheduler buffer to the inter-coded allocation unit on the storage medium (see paragraphs 0191 and claim 5 of Chang).

Claim 9 is rejected for the same reason as discussed in claims 1 and 8 above.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 7 is rejected under 35 U.S.C. 101 because the claim is directed to a recording medium storing nonfunctional descriptive material.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. See, e.g. Warmerdam, 33 F. 3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. In addition a mere arrangements or compilations of facts or data, are merely stored so as to be read or outputted by a computer without creating any functional interrelationship either as part of the stored data or as part of the computing processes performed by the computer then such descriptive material alone does not impart functionality either to the data as so structured, or to the computer, and therefore are not statutory. See MPEP 2106.IV.B.1.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
November 24, 2008

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/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621